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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,825	04/08/2004	Ralf Baumann	07781.0158-00	1389

22852 7590 01/10/2008  
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EXAMINER
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INGBERG, TODD D

ART UNIT	PAPER NUMBER
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2193

MAIL DATE	DELIVERY MODE
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01/10/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

AK

**Office Action Summary**

Application No.

10/821,825

Applicant(s)

BAUMANN, RALF

Examiner

Todd Ingberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23,41 and 43-58 is/are allowed.
- 6) ☒ Claim(s) 1-5,8-10,13,14,16-19,22,24-27,37-40 and 42 is/are rejected.
- 7) ☒ Claim(s) 6,7,11,12,15,20,21,28-36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/8/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/16/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 1 – 58 have been examined.

#### ***Information Disclosure Statement***

1. The Information Disclosure Statement filed December 16, 2004 has been considered.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1 – 58 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Specification on pages 12, 14 and 15 define the computer readable medium as a (CPP) carrier and signal with is a carrier wave and not limited to hardware. Current policy does not allow claims to carrier waves or signals. The definitions not directed toward physical hardware must be deleted from the Specification. The definitions for embodiments directed toward physical hardware are statutory.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1 – 5, 8-10, 13-14, 16, 18-19, 23-27, 30, 37, 39-40 and 42 are rejected under 35

U.S.C. 102(b) as being anticipated by, “The **Pan** Language-Based Editing System”, Robert A.

Balance et al, ACM 1992.

**Claim 1**

PAN anticipates a computer-implemented method for associating comments with source code (PAN, page 109 second paragraph), the method comprising: storing the comments separately from the source code (PAN, above – see Colander); and identifying where each of the comments is associated with the source code (PAN, page 119, Presentation Enhancements – comments the need to link is inherent in order to reconstruct the code for presentation the underlying support is mentioned on PAN, page 96, “New language description.....” see the sentence about the correspondence (links also see page 123 for use of hypertext links) between the intermediate language processes).

**Claim 2**

The computer-implemented method of claim 1, further comprising enabling a provision of the comments within the source code. As per claim 1.

**Claim 3**

The computer-implemented method of claim 2, wherein the provision of the comments within the source code includes: retrieving the comments from a storage; and displaying the retrieved comments together with the source code. PAN, page 120.

**Claim 4**

The computer-implemented method of claim 2, wherein enabling the provision of the comments within the source code occurs according to filter information. PAN, page 96, “New language description” – the ability to define descriptors for new languages is filter information.

**Claim 5**

The computer-implemented method of claim 1, wherein filter information is assigned to the comments for filtering the comments. As per claim 1 – the descriptors define the language the comments are part of the definition.

**Claim 8**

The computer-implemented method of claim 1, wherein the source code comprises links including storage information for retrieving the comments. As per claim 1.

**Claim 9**

The computer-implemented method of claim 8, wherein enabling the provision includes accessing the links. As per claim 1

**Claim 10**

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The computer-implemented method of claim 9, wherein filter information is assigned to the links for filtering the comments. As per claim 1

**Claim 13**

The computer-implemented method of claim 10, wherein the links are assigned to particular elements of the source code. PAN, page 118, Operand.

**Claim 14**

The computer-implemented method of claim 10, wherein displaying the retrieved comments together with the source code includes replacing the accessed links within the source code with the comments. As per claim 1

**Claim 16**

The computer-implemented method of claim 2, wherein at least one element of the source code is associated with more than one comment stored within the storage.

See the rejection for claim 1.

**Claim 18**

The computer-implemented method of claim 1, wherein the comments are stored within a database. PAN page 112.

**Claim 19**

The computer-implemented method of claim 1, wherein the comments include language-dependent comments having language information, wherein retrieving the comments includes retrieving the language information, and wherein enabling the provision of the comments includes considering the language information, and wherein the provision of the comments includes the provision of the language-dependent comments according to the language information. As per claim 1 and PAN, page 109, section 5.

**Claim 23**

PAN anticipates a computer-implemented method for associating comments with source code, the method comprising storing the comments separately from the source code, storing links providing storage information of the stored comments within the source code; using access authorization information determining filter information for filtering the comments for retrieving the comments; retrieving the comments from a storage according to the filter information using the storage information from the links; identifying where each of the comments is associated with the source code; and providing the retrieved comments within the source code. See the rejection for claim 1.

**Claim 24**

PAN anticipates a computer program product with a computer program stored thereon for associating comments with source code, the program comprising instructions operable to cause a processor to store the comments separately from the source code, and to identify where each of the comments is associated with the source code. See the rejection for claim 1.

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**Claim 25**

The computer program product of claim 24, the computer program further comprising instructions operable to cause the processor to send request information for retrieving the comments from a storage, receive the comments from the storage, and present the received comments within the source code. See the rejection for claim 3.

**Claim 26**

The computer program product of claim 24, the computer program further comprising instructions operable to cause the processor to cause a processor to present the comments within the source code according to filter information. See the rejection for claim 4.

**Claim 27**

The computer program product of claim 24, the computer program further comprising instructions operable to cause the processor to associate filter information with the comments for filtering the comments. See the rejection for claims 4 and 5.

**Claim 30**

The computer program product of claim 24, the computer program further comprising instructions operable to cause the processor to handle links providing storage information relating to where the comments belong within the source code. See the rejection for claim 8.

**Claim 37**

The computer program product of claim 24, the computer program further comprising instructions operable to cause the processor to associate at least one element of the source code with more than one comment stored within the storage. See the rejection for claims 14 and 15.

**Claim 39**

The computer program product of claim 24, the computer program further comprising instructions operable to cause the processor to store the comments within a database. See the rejection for claim 18.

**Claim 40**

The computer program product of claim 24, the computer program further comprising instructions operable to cause the processor to store storage language-dependent comments having language information, to retrieve the language information with the language-dependent comments, to analyze the language information, and to present the language-dependent comments according to the analysis of the language information. See the rejection for claim 19.

**Claim 42**

PAN anticipates a computer system for associating comments with source code, the system comprising: a first storage medium storing the source code; a second storage medium storing the comments, the second storage medium being separate from the first storage medium; a computer comprising a processor in communication with the first storage medium and the

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second storage medium; and a computer program having instructions operable to cause the processor to store the comments separately from the source code in the second storage medium, and to identify where each of the comments is associated with the source code. See the rejection for claim 1.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over PAN in view of USPN #5,13,305 Maghoulch issued April 30, 1996. (referred to as **Mag**)

**Claim 17**

The computer-implemented method of claim 4, wherein enabling a provision of the comments within the source code includes: retrieving all the comments from the storage; selecting according to the filter information ( as per claim 1) which comments to suppress within the source code; and displaying together with the source code the retrieved comments not selected to be suppressed. (Mag, Figure 7A, #116 – display according to Display Style). PAN teaches the ability to remove, store and display comments in source code but PAN does not teach suppressing comments. It is Mag who teaches controlling display. Therefore, it would have been obvious to one of ordinary skill at the time of invention to combine PAN and Mag because the ability to control verbosity of information makes systems more useful.

**Claim 38**

The computer program product of claim 24, the computer program further comprising instructions operable to cause the processor to retrieve all comments before presenting the received comments within the source code, to analyze the filter information of the comments to select the comments to suppress, and, to present within the source code the retrieved comments that were not suppressed. See the rejection for claim 17.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over PAN in view of Visual Source Safe 5.0 from 1997.

**Claim 22**

The computer-implemented method of claim 4, wherein the filter information ( as per claim 1) includes a source code version. PAN teaches a means of handling comments in code but fails to teach version management. It is VSS who teaches versions of source code (VSS, page 85).

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Therefore, it would have been obvious to one of ordinary skill at the time of invention to combine PAN and VSS, because managing source code with configuration management makes supporting products easier.

***Allowable Subject Matter***

7. Claims 6,7,20,21,11,12,15,28,29 and 31- 36 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. Claims are 23 and 41, 43 - 58 are allowed.
9. Applicant should note the PAN reference on page 113 has Ownership but fails to disclose details as to control authorization to specific links.

***Correspondence Information***

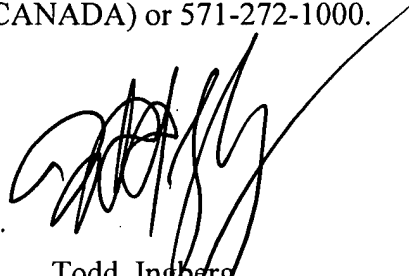
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The examiner can normally be reached on during the work week..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Todd Ingberg', is written over the printed name and title.

Todd Ingberg  
Primary Examiner  
Art Unit 2193

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